

the ^{Charleston} Gazette
The State Newspaper

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National Freedom of Information Officer
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2822T)
Washington, DC 20460

Fax to: (202) 566-2147

Please consider this a request made under the federal Freedom of Information Act, 5 U.S.C. 552.

Please provide me with any and all records in EPA's custody concerning the Freedom Industries' chemical spill on Jan. 9 and the ensuing water crisis here in West Virginia. This request is meant to include, but not be limited to:

1. Any inspection reports or other documents that describe EPA inspections of the Freedom Industry facility either before or after the Jan. 9 spill.
2. Any and all documents that describe EPA's involvement in the response to the spill, in terms of containing the chemical and cleaning up the site.
3. Any and all documents that describe EPA's role in devising or reviewing the 1 part per million screening level for MCHM and the separate screening level for PPH, as well as the advisory that pregnant women should not drink the water.
4. Any audits or other reviews conducted by EPA in the last 20 years that examined the adequacy of the safe drinking water act program within the West Virginia Department of Health and Human Resources.
5. Any correspondence between EPA and any other federal or state agencies, or private parties (including emails) concerning the spill and its aftermath.

Please waive any copying and search fees associated with this request, as provided in 40 C.F.R. 1601.32. The information that I have requested concerns the operations or activities of government, and the disclosure of this information is likely to contribute to public understanding of government activities in a significant manner. The public's interest in the publication of stories based on this information exceeds any commercial interest of mine in obtaining the records.

If you choose not to waive these fees, and the cost will exceed \$50, please contact me before you proceed. Also, if you choose to withhold any documents that are responsive to my request, please provide me with an index that describes these records with reasonable specificity, and which cited the specific reasons for each document being withheld. *See Vaughn v. Rosen*, 523 F. 2d 1136 (D.C. Cir. 1975).

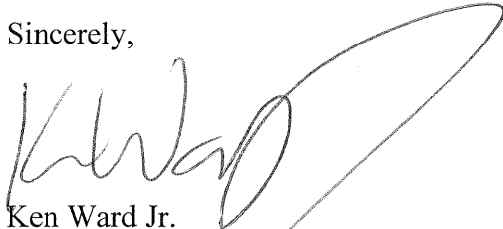
Please expedite the processing of my request under 5 U.S.C. 552(a)(6)(E)(V)(II), which requires you to expedite requests “made by a person primarily engaged in disseminating information, urgently to inform the public concerning actual or alleged Federal Government activity.” As a reporter at The Charleston Gazette, I have covered the chemical spill and resulting water crisis in detail, and my interest in this issue – as well as my paper’s important role in informing the community – is well known to EPA.

As you should know, you are required by the statute to determine whether you will expedite the processing of my request and notify me of this determination with 10 days. See 5 U.S.C. 552(a)(6)(E)(ii)(I).

In any event, as you know, you are required by federal law to, within 20 days, “determine ... whether to comply with” my request and then “immediately notify” me of this determination. I look forward to your prompt response, within the time limit required by law.

Should you have any questions about this request, please contact me at (304) 348-1702. I look forward to a prompt response, within 10 days, concerning the request for expedited processing, and to a notification within 20 days of your determination on releasing the records I have requested.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ken Ward Jr.', with a large, sweeping flourish extending from the end of the signature.

Ken Ward Jr.
Staff Writer